

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

HORTON HOMES, INC., )  
                          )  
Plaintiff,             )  
                          )  
v.                      ) CIVIL ACTION NO. 2:07-cv-506-MEF  
                          )  
LARUE BANDY, MARIE BANDY, )  
PATRICK PRITCHETT, WILLIAM )  
SHANER, ELSIE FONDREN    )  
AVERETTE, WILLIAM CRUTHIRDS, )  
and SHERRIE CRUTHIRDS,    )  
                          )  
Defendants.            )

**SUPPLEMENTAL MOTION TO COMPEL**

COME NOW your Defendants in the above-styled cause and hereby file this their supplement to their initial Motion to Compel previously filed herein. In support of said motion, Defendants submit the following:

1.       The depositions of the 30(b)(6) representative and president of Triangle Homes, LLC were duly noticed and served on Plaintiff's Counsel for the depositions to take place in Macon, Georgia on July 22, 2008.

2.       Shortly thereafter, Plaintiff filed a Supplemental Motion for Protective Order to preclude the taking of the depositions.

3.       Counsel for Defendants appeared in Macon, Georgia and began taking the depositions at which time Plaintiff's Counsel objected, attempted to terminate the depositions, and instructed the witness (Mr. Hicks) not to answer many questions posed, even though this Honorable Court had not yet ruled on Plaintiff's Motion for Protective Order.

4. Counsel has now traveled to Macon, Georgia twice for the taking of depositions of Horton witnesses in this cause and respectfully requests this Honorable Court grant this their Supplemental Motion to Compel and order the 30(b)(6) deposition of Triangle Homes, LLC and its subsidiaries and the deposition of the president of Triangle Homes, LLC to be taken in Montgomery, AL.

Wherefore, above premises considered, your Defendant's respectfully pray this Honorable Court to grant this their Supplemental Motion to Compel. Defendants also pray for such other further and different relief as may be just and appropriate.

Respectfully submitted on this the 5th day of August, 2008.

/s/ Michael S. Harper  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 5th day of August, 2008, filed the above pleading/discovery electronically with the CM/ECF E-Filing System in Federal District Court. The below counsel will receive a copy from the system via email if registered in the system. If not, I certify that I have placed a copy of the same in the U.S. mail this day.

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*/s/ Michael S. Harper*  
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